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18 **ATTORNEYS FOR NHENTAI.NET**

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA
21 WESTERN DIVISION

22 PCR DISTRIBUTING CO., a company
23 organized under the laws of California,

24 *Plaintiff*

25 vs.

26 JOHN DOES 1-20 d/b/a
27 NHENTAI.NET

Defendants

Case No. 2:24-cv-07453- CV-AJR

**JOINT STATEMENT
REGARDING SCHEDULING
CONFERENCE**

Judge: Honorable Cynthia Valenzuela

1 Pursuant to the February 6, 2025 Order of the Court (Dkt. No. 44), PCR
2 Distributing, Co. (“Plaintiff” or “PCR”) and operators of www.nhentai.net, i.e., the
3 entity that owns www.nhentai.net (“Nhentai.net”) hereby file this Joint Statement
4 indicating (a) whether any party would like the Court to hold a telephonic scheduling
5 conference hearing; and (b) if so, what issues they seek to have resolved at the
6 hearing. Dkt. No. 44.

7 **REQUEST FOR TELEPHONIC SCHEDULING CONFERENCE**

8 **Nhentai.net’s Position:** Nhentai.net requests a telephonic scheduling
9 conference in this matter. The matters at issue in this case that Nhentai.net wishes to
10 address with the Court are as follows.

11 Nhentai.net would like to request that the Court vacate the current deadlines
12 for statements or reports to be filed with the Court on Case Management or pursuant
13 to Rule 26(f), pending ruling on the Motions to Dismiss and/or Strike. Because
14 Nhentai’s Motions to Dismiss and/or Strike are pending with the Court, Nhentai.net
15 has yet to file an answer in this case or assert any defenses and/or counterclaims.
16 Any statements or reports filed with the Court on Case Management or pursuant to
17 Rule 26(f) before rulings on the Motions to Dismiss and/or Strike will necessarily
18 be lacking critical information on, among other things, Nhentai.net’s affirmative
19 defenses, any counterclaims Nhentai.net may assert, damages Nhentai.net may seek,
20 and information on significant discovery issues that have yet to be known. All of this
21 information relates to the scope of the case and is necessary to inform scheduling
22 and discovery planning.

23 Nhentai.net believes its Motion to Dismiss should prevent this case from
24 moving forward from the outset, as a matter of law. As such, Nhentai.net proposes
25 that a scheduling order be entered that triggers all upcoming deadlines – including
26 the Joint Case Management Statement, Joint Rule 26(f) Report, Rule 26(f)
27

1 disclosures, commencement of fact discovery – from the issuance of the Court’s
2 ruling on the Motions to Dismiss and/or Strike.

3 Further, Nhentai.net intends to seek review of Judge Richlin’s Order denying
4 Nhentai.net’s Motion for Protective Order with this Court within the prescribed
5 timeframe. This Court’s review and decision regarding Judge Richlin’s Order on the
6 Motion for Protective Order impacts current deadlines and ones anticipated in the
7 very near future. Judge Richlin stayed the Order “for 14 days to permit Defendant
8 the opportunity to seek review of this Order from the District Judge. See Fed. R. Civ.
9 Proc. 72. If Defendant timely seeks review from the District Judge, then this Order
10 shall remain stayed until the District Judge rules on that request.” Dkt. No. 45.

11 Nhentai.net also anticipates separately moving the Court for entry of a general
12 protective order to govern any discovery that takes place in the case should it not be
13 dismissed.

14 Nhentai.net respectfully requests the opportunity to discuss these issues and
15 motions, and the timeframes associated with them, at a telephonic scheduling
16 conference with the Court.

17 **Plaintiff PCR Distributing Co.’s Position:**

18 Plaintiff would also request a telephonic scheduling conference, as offered by
19 the Court in Dkt. No. 44.

20 On the call, PCR would request that the Court address requiring Defendants
21 to amend their pending motions to reflect their identities and order that they not be
22 allowed to continue anonymously. In ruling that Defendants do not meet the test for
23 continuing anonymously, Magistrate Judge Richlin recently wrote:

24 The focus of this case is a publicly available website alleged to receive
25 around 79.3 million monthly visitors from the United States and around
26 the world. (Dkt. 40 at 4.) Thus, the Court easily concludes that the
27 public has a strong interest in knowing the identity of the corporate

1 entity that operates this website and is appearing in federal court to
2 defend this case.

3 (Dkt. 45.)

4 This Court should order that Defendants immediately amend their pending
5 Motion to Dismiss so that they appear by their actual identities and not just as the
6 “owners and operators” of Nhentai.net. Defendant’s “maintain anonymity” and
7 “delay-at-all-costs” strategies verify Plaintiff’s early concern that these Defendants
8 will do anything to continue anonymously infringing so that can sell advertising on
9 their massively popular pirate website.

10 This case has been pending since August, 2024 – over five months, and
11 Defendants have not answered or even identified themselves. The Court should
12 order them to do so and issue a scheduling order. Fed.R.Civ.P. 16(b) provides:

13 (1) Scheduling Order. Except in categories of actions exempted by local
14 rule, the district judge—or a magistrate judge when authorized by local
15 rule—must issue a scheduling order:

16 (A) after receiving the parties’ report under Rule 26(f) ; or

17 (B) after consulting with the parties’ attorneys and any unrepresented
18 parties at a scheduling conference.

19 (2) Time to Issue. The judge must issue the scheduling order as soon as
20 practicable, but unless the judge finds good cause for delay, the judge
21 must issue it within the earlier of 90 days after any defendant has been
22 served with the complaint or 60 days after any defendant has appeared.

23 The Court should issue a scheduling order immediately rather than allow
24 further delay. Defendant will now be bringing its baseless second motion to dismiss
25 for failure to state claim. It is improperly based on declarations outside of the FAC,
26 and, in his recent Order, Judge Richlin stated that “By contrast here, Plaintiff has
27 specifically alleged Defendant’s connection to the copyright infringement at the core

1 of this case.” (Dkt. 45 at 8.) The FAC is plainly sufficient. Defendant also claims
2 it will object to the Magistrate’s Ruling on the Motion for Protective Order. Thus,
3 all roads lead to one thing in this case: Defendants will seek delay so they can
4 continue to profit from their illicit activity and avoid being identified. The Court
5 should also require the parties to conduct the early meeting of counsel immediately
6 so that there will be no doubt that discovery may commence.

7
8 **DATED:** February 13, 2025

Respectfully submitted,

9
10 By: /s/ A. Eric Bjorgum

A. Eric Bjorgum

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CERTIFICATE OF SERVICE

On February 13, 2025, I filed the foregoing document with the clerk of court for the U.S. District Court, Central District of California via CM/ECF. I hereby certify that I thereby have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) and the Local Rules.

/s/ Jennifer M. Rynell

Jennifer M. Rynell